



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,105	04/14/2004	Mark A. King	KING 0101 PUS	6159

22045 7590 02/02/2005

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER

ALIMENTI, SUSAN C

ART UNIT	PAPER NUMBER
----------	--------------

3644

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/824,105

Applicant(s)

KING, MARK A.

Examiner

Susan C. Alimenti

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: It appears the word "camp" in line 16, should be changed to --clamp--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett (US 3,385,544), and further in view of Harris (US 2,905,413) and West (US 291,248).

Barnett disclose a device for holding multiple fishing poles, comprising a C-clamp 44 having a main portion 44A, a first arm 44B and a second arm 44C (See Examiner's reference characters, Fig-3) extending from the main portion 44A. A clamping shaft 45 is threadably connected to the first arm 44B and extends to a clamping position to secure the fishing pole holder to a generally vertical wall. A threaded support shaft 10 is coupled to the C-clamp and extends in a direction parallel to the generally vertical wall. First and second fishing pole holder elements 36 are generally cylindrical and connected to the support shaft 10 on opposite sides thereof. The bent portion 33 of bar 27 pivots in aperture 23 to adjust the angular position of the first and second fishing rod holder elements about an axis that intersects the support shaft 10 axis.

Art Unit: 3644

4. Barnett does not positively disclose that the support shaft 10 connects to the main portion 44A of the C-clamp 44, however, this is a well-known arrangement of parts in the art. Barnett's support shaft 10 comprises threaded element 11 that may optionally receive stake 12. It is noted that the device is fully functional without stake 12 (Barnett, col.3, lns.50-57). Harris discloses a fishing rod holder having a C-clamp securing element, and teaches the coupling of a support shaft 21 to the main portion of said C-clamp 26. Harris uses a screw-type engagement that passes through the C-clamp and extends from opposite sides. It would have been obvious to one having ordinary skill in the art at the time the invention was made to remove Barnett's stake 12 and attach the threaded support shaft 10, 11 to the main portion 44A of the C-clamp, as shown by Harris, since it has been held that the mere rearrangement of parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

5. Regarding the means for adjusting the fishing pole holder elements about the axis of the support shaft, once the support shaft is threadably coupled to the C-clamp, as described above, the fishing pole holding elements will be capable of rotating about the support shaft axis.

6. Regarding the bracket and cushion element, Barnett does not positively disclose using a bracket having a cushion with his C-clamp. West discloses a C-clamp that is nearly identical to the one used by Barnett, except West further teaches that the use of bracket A, having a resilient cushion B thereon, is advantageous because it will protect the object being clamped from damage (West, col.1, lns.31-40). It would have been obvious to one having ordinary skill in the

Art Unit: 3644

art to use West's cushion bracket in Barnett's device in order to protect a fishing boat from damage that can be incurred from the securing of a C-clamp.

Allowable Subject Matter

7. Claims 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 11/16/04, with respect to the rejections of claims 1-4 under 35 U.S.C § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made as seen above.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan C. Alimenti whose telephone number is 703-306-0360. The examiner can normally be reached on Monday-Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703-305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3644

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCA



TERI PHAM LUU
SUPERVISORY
PRIMARY EXAMINER